

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
TUESDAY, APRIL 4, 2006
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:31 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Presi Ortega, Jr., Steve Ortega, and Beto O'Rourke. Absent: None. Late arrival: Jose Alexandro Lozano and Melina Castro at 8:34 a.m. and Eddie Holguin, Jr. at 8:41 a.m. Early departure: Ann Morgan Lilly at 9:00 a.m. The invocation was given by Reverend Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America. Mayor Cook asked for a moment of silence for the passing of Mr. John Edmondson.

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MAYOR'S PROCLAMATIONS

1. **NATIONAL COMMUNITY COLLEGE MONTH**
Dr. Richard Rhodes, President of EPCC, commented.
2. **SENIOR GAMES MONTH**
Dr. Norman Merrifield and Ms. Veronica Myers commented.
3. **NATIONAL CRIME VICTIM'S RIGHTS WEEK**
Ms. Elizabeth Mariscal commented.
4. **CHILD ABUSE PREVENTION & AWARENESS MONTH**
Ms. Angie Escarcega commented.

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/city_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

1. Ms. Heather McMurray commented on the sale of the Environment Center at 800 Paisano.
2. Ms. Lisa Turner commented on lobbying and campaign finance ordinances.
3. Mr. Ray Gilbert commented on Painted Dunes and undesignated surplus use.

Motion made by Representative Holguin, seconded by Representative Castro, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Gilbert an additional two (2) minutes to speak.

4. Mr. Richard Schecter commented on the Public Service Board (PSB).

Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd, and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk [*]).

Representative Lilly was not present for the vote.

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for Regular City Council Meeting of March 28, 2006, and Special City Council Meeting Minutes for March 27, 2006, March 28, 2006, and March 29, 2006.

Representative Lilly was not present for the vote.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to execute a State Use Contract between the CITY OF EL PASO, TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED (TIBH), and BORDER TM INDUSTRIES, INC. to provide specified grounds maintenance services for the El Paso International Airport in the amount of SIX THOUSAND EIGHT HUNDRED NINETY-ONE AND 68/100 DOLLARS (\$6,891.68) monthly for the period from April 1, 2006 through March 31, 2007 and that it is in the best interest of the City for this grounds maintenance service function to be performed through contract.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Contract between the CITY OF EL PASO and JOSE B. AGUIRRE, to employ Jose B. Aguirre as an Information Systems Manager for the Information Technology Department, at a biweekly rate of \$2,846.15, for 40 hours per week. The term of the contract shall be for the period of April 10, 2006 through April 9, 2007.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to submit a grant application from the City of El Paso Police Department to the U.S. Department of Justice, Bulletproof Vest Partnership Program, and accept a grant in the amount of \$23,940.00, for the acquisition of 120 bulletproof vests for the Police Department; and the City Manager be authorized to sign any related paperwork, including all understandings and assurances contained therein, and apply for, accept, reject, alter, or terminate the grant and authorize budget transfers. A cash match is required in the amount of \$23,940.00, which will be paid from General Funds.

1ST MOTION

*Motion made, seconded, and unanimously carried to **MOVE TO THE REGULAR AGENDA** the following:

R E S O L U T I O N

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, the City Manager is hereby authorized to sign, on behalf of the CITY OF EL PASO ("CITY"), a lease upon the following terms to EL PASO TRANS PECOS AUDUBON SOCIETY, INC. of El Paso, Texas ("TRANS PECOS"); and

WHEREAS, TRANS PECOS is interested in entering into a lease upon the following basis for the area located at all of Tracts 7B, 7C, 6B, 5C, 5B and a portion of Tracts 8A, 9C and 8C, Block 3, Ysleta Grant Survey, El Paso, El Paso County, Texas, as further described in Exhibit "A" and known as ("Premises").

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the lease period shall be for a primary term of five (5) years, at a rate of \$1.00 (ONE AND NO/100 DOLLARS) per year in consideration of certain additional in-kind public benefit consideration received, as outlined in greater detail in the attached Agreement, and may be extended on the same terms for two additional five (5) years periods under the same price, terms and conditions, upon mutual agreement of TRANS PECOS and CITY, by and through its City Manager. This lease agreement supersedes all prior agreements, whether written or oral, regarding the lease of the Premises by TRANS PECOS; and

THAT said lease from the City of El Paso to TRANS PECOS shall be in the form that is attached as Exhibit "A" and incorporated herein by reference for all purposes as if set forth verbatim.

Representative Holguin commented.

Mr. Daryl Cole, Street Department, commented.

2ND AND FINAL MOTION

Motion made by Representative Holguin, seconded by Mayor Pro Tempore O'Rourke, and unanimously carried to **APPROVE** the above resolution.

Representatives Lilly and Castro were not present for the vote.

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*Motion made, seconded, and unanimously carried to **RE-APPOINT** Bernie Olivas to the Greater El Paso Civic Convention and Tourism Advisory Board by Representative Eddie Holguin, Jr., District 6.

Representative Lilly was not present for the vote.

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*Motion made, seconded, and unanimously carried to **APPOINT** Ruth Reyes to City-County Animal Shelter Advisory Committee by Representative Steve Ortega, District 7.

Representative Lilly was not present for the vote.

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*Motion made, seconded, and unanimously carried to **APPOINT** Edith Brannon to the Civil Service Commission by Representative Ann Morgan Lilly, District 1, effective April 22, 2006.

Representative Lilly was not present for the vote.
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*Motion made, seconded, and unanimously carried to **APPOINT** Elias Torrez to the Community Development Steering Committee by Representative Eddie Holguin, Jr., District 6.

Representative Lilly was not present for the vote.

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*Motion made, seconded, and unanimously carried to **APPOINT** Jesus Padilla to the Ethics Review Commission by Representative Eddie Holguin Jr., District 6.

Representative Lilly was not present for the vote.

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*Motion made, seconded, and unanimously carried to **DELETE** the appointment of Miguel Teran, Jr. to the City Plan Commission by Representative Jose Alexandro Lozano, District 3.

Representative Lilly was not present for the vote.

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1ST MOTION

Motion made by Representative Steve Ortega, seconded by Mayor Pro Tempore O'Rourke, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Richard Schechter to speak.

Mayor Cook commented.

Mr. Richard Schechter commented.

2ND MOTION

*Motion made, seconded, and unanimously carried to **APPROVE** installation, power, and maintenance of residential streetlight at the following location:

Between 101 & 105 Fountain. Estimated cost is \$899.00. Funding: District Discretionary Funds, Dept 01010001 Fund 01101 Special Projects Account 504420.

Representative Lilly was not present for the vote.

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1ST MOTION

Motion made, seconded, and unanimously carried to **MOVE TO THE REGULAR AGENDA** the following:

Request to allocate \$6,380.00 from District 1 discretionary funds {Dept. ID #01153001; Fund #16501; Acct. #504420; Class #01001; PD10422} to pay the cost of the Phase I Environmental Assessment (\$3,930.00) and an Appraisal (\$2,450.00) associated with the acquisition of a parcel of land containing approximately 22.11 acres being a portion of Tract 1-E, H.G. Foster Survey No. 259, El Paso, El Paso County, Texas and commonly known as Thunder Canyon.

Mayor Cook and Representatives Lozano, O'Rourke, Steve Ortega, Presi Ortega, Jr., and Castro commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Charlie McNabb, City Attorney
3. Mr. David Almonte, Director of OMB
4. Ms. Terri Cullen-Garney, Deputy City Attorney

The following members of the public commented:

1. Mr. Richard Schechter
2. Ms. Lisa Turner
3. Mr. Ray Gilbert

Motion made by Representative Lozano, seconded by Mayor Pro Tempore O'Rourke, and carried to **POSTPONE** one (1) week the request to allocate \$6,380.00 from District 1 discretionary funds {Dept. ID #01153001; Fund #16501; Acct. #504420; Class #01001; PD10422} to pay the cost of the Phase I Environmental Assessment (\$3,930.00) and an Appraisal (\$2,450.00) associated with the acquisition of a parcel of land containing approximately 22.11 acres being a portion of Tract 1-E, H.G. Foster Survey No. 259, El Paso, El Paso County, Texas and commonly known as Thunder Canyon.

AYES: Representatives Byrd, Lozano, Castro, Holguin, Steve Ortega, and O'Rourke

NAYS: Representatives Presi Ortega, Jr.

NOT PRESENT FOR THE VOTE: Representative Lilly

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*Motion made, seconded, and unanimously carried that the following tax refunds be **APPROVED**:

- A. Footstar, Inc., in the amount of \$3,141.39 overpayment of 2005 taxes.
(PID #0222-999-7001-0000).
- B. Footstar, Inc., in the amount of \$3,003.86 overpayment of 2005 taxes.
(PID #0350-999-3002-0000).
- A. Lear Corporation in the amount of \$33,792.93 overpayment of 2005 taxes.
(PID #1998-999-2034-0050).
- B. Aurora Loan Services in the amount of \$2,979.25 overpayment of 2005 taxes.
(PID #C340-999-0600-1900).
- C. GMAC Mortgage in the amount of \$3,216.33 overpayment of 2005 taxes.
(PID #C518-999-0580-3300).
- D. Wells Fargo Real Estate Tax Services in the amount of \$2,560.04 overpayment of 2004 taxes. (PID #F169-999-0040-0210).
- E. Robert Martinez, Jr., and Lorena Martinez in the amount of \$2,976.08 overpayment of 2005 taxes. (PID #H156-999-0010-4100)
- F. Parker & Sons Plumbing, Inc., in the amount of \$5,079.59 overpayment of 2005 taxes. (PID #H184-999-0020-0500).
- G. USSA Federal Savings Bank in the amount of \$6,035.91 overpayment of 2005 taxes. (PID #H454-999-0060-1000).
- H. Washington Mutual Home Loans, Inc., in the amount of \$4,029.54 overpayment of 2005 taxes. (PID #I256-999-0290-0100).
- I. Aurora Loan Services in the amount of \$3,143.06 overpayment of 2005 taxes.
(PID #K216-999-0550-4900).
- J. Connie R. Barker in the amount of \$3,561.21 overpayment of 2005 taxes.
(PID #L071-999-0010-2100).
- K. Brookwood Oaks LTD in the amount of \$4,945.57 overpayment of 2005 taxes.
(PID #M296-999-0020-1600).

- L. First American Real Estate Tax Services in the amount of \$5,634.69 overpayment of 2005 taxes. (PID #M344-999-0160-6400).
- M. GFP Partners II LLC in the amount of \$5,236.11 overpayment of 2005 taxes. (PID #M473-999-0310-6100).
- N. Washington Mutual in the amount of \$2,838.62 overpayment of 2005 taxes. (PID #P481-999-0230-1500).
- O. Wells Fargo Real Estate Tax Services in the amount of \$3,826.91 overpayment of 2005 taxes. (PID #P586-999-0100-3000).
- P. Odessa Enterprises, Inc. in the amount of \$6,075.02 overpayment of 2005 taxes. (PID #R375-999-0020-5100).
- Q. Tania M. Hermosillo in the amount of \$3,494.80 overpayment of 2005 taxes. (PID #S814-999-0010-1200).
- R. Monica Csuja in the amount of \$2,616.69 overpayment of 2005 taxes. (PID #S816-999-1310-4900).
- S. Texas Nations Title Agency in the amount of \$3,874.71 overpayment of 2005 taxes. (PID #T287-999-0700-2550).
- T. Countrywide Tax Services in the amount of \$6,104.50 overpayment of 2005 taxes (PID #U819-000-0160-09F0).
- U. Chase Home Finance LLC in the amount of \$2,829.50 overpayment of 2004 taxes. (PID #V893-999-3570-0200).
- V. Aurora Loan Services in the amount of \$3,370.70 overpayment of 2005 taxes. (PID #V895-999-5560-0200).
- W. Norma & Hector Medrano in the amount of \$3,946.51 overpayment of 2004 taxes. (PID #V893-999-572A-2200).
- X. Aurora Loan Services in the amount of \$5,889.07 overpayment of 2005 taxes. (PID #V897-999-1090-4400).
- Y. Wells Fargo Real Estate Tax Services In the amount of \$2,797.39 overpayment of 2005 taxes. (PID #V897-999-1160-6300).
- Z. Rochelle Shamaley in the amount of \$2,708.69 overpayment of 2004 taxes. (PID #W145-999-0060-3200).
- AA. Sierra Title Co. in the amount of \$2,585.61 overpayment of 2004 taxes. (PID #W148-999-0580-0500).
- BB. Julio Navarro, Jr., and Shannon R. Navarro in the amount of \$3,062.18 overpayment of 2005 taxes. (PID #W145-999-0610-3200).
- CC. Albertsons, Inc. in the amount of \$7,413.41 overpayment of 2005 taxes. (PID #X581-999-2090-2610).

*Motion made, seconded, and unanimously carried to **APPROVE** budget transfer BT2006-581 MPO

To adjust Planning Funds (New Mexico) to reflect increase in funding received with passing of Safe, Accountable, Flexible, Efficient Transportation Equity Act.

Increase	\$26,691.00	to	State Grant Proceeds
Increase	\$26,691.00	to	Outside Contracts

Representative Lilly was not present for the vote.

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*Motion made, seconded, and unanimously carried to **APPROVE** Request that Chief Financial Officer of the Financial Services Department be authorized to exercise the City's option to extend the term of the agreement for one (1) additional year, from May 3, 2007 to May 3, 2008, pursuant to the provisions of Contract # 2005-161 with Vulcan Aluminum, Foley, Alabama, for Aluminum Sign Blanks. **(All Districts)**

Option No.: ONE [OF ONE]

Amount Of Award: \$28,000.00 (total one year extension, estimated)

Account No's: 32010200-503203-01101

Funding Source: Public Accesses Maintenance & Repairs, General Funds

Department: Street Department

Representative Lilly was not present for the vote.

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*Motion made, seconded, and unanimously carried to **AWARD** Best Value Procurement Solicitation No. 2006-072 Replacement of Six Air Conditioning Units at Three Transmitter Sites

Award to:	York International Corp.
	El Paso, TX
Item(s):	All
Amount:	\$29,856.42

Department:	General Services
Funds available:	508027-27123-31135001-P501545
Funding source:	MSC Improvements, Construction, FY98 Certificates of Obligation
Total award:	\$29,856.42
Districts:	All

The General Services and Financial Services Departments recommend award as indicated to Bidder offering the Best Value Bid.

This is a fixed-price, single (one-time) purchase for the purchase and installation of six air conditioning units at three transmitter sites. There is an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within ninety (90) days from the date of award of the contract. No prompt payment discount was offered.

Mr. Ray Gilbert, citizen, commented.

Representative Lilly was not present for the vote.

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* Motion made, seconded, and unanimously carried to **AWARD** Bid Solicitation No. 2006-081 Automotive Parts Price List-Alternators & Starters-Heavy Duty Applications

Award to:	Vendor 1:	Southwest Sterling Inc.
		dba MHC Kenworth/Sterling/Ford

Item(s):	El Paso, Texas
Amount:	Part A
	\$20,000.00 (estimated annually)
Award to:	Vendor 2: BXW Electrical Rebuilders, Inc.
	El Paso, Texas
Item(s):	Part B
Amount:	\$15,000.00 (estimated annually)
Department:	General Services-Fleet Division
Funds available:	37370510-403121-45202
Funding source:	General Services Fleet Internal Service Fund
Total award:	\$105,000.00 (estimated)
Districts:	All

General Services-Fleet Division and Financial Services-Purchasing Division recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor 1 offers the City the option to extend the term of the contract at the same unit prices for one (1) additional year if the option is exercised within two (2) years from the date of the award.

Vendor 2 offers the City the option to extend the term of the contract at the same unit prices for one (1) additional year if the option is exercised within two (2) years from the date of the award. Vendor also offers the City a prompt payment discount of 2% 10 days.

This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.

Representative Lilly was not present for the vote.

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 *Motion made, seconded, and unanimously carried to **APPROVE** the request of Parks & Recreation to hold a Dia De Los Ninos, Dia De Los Libros Parade, Walk & Festival on April 29, 2006, from 9:30 a.m. to 11:00 a.m. for parade and 11:00 a.m. to 6:00 p.m. for festival. Parade Route: Start at Fox Plaza parking lot on Paisano, proceed on Paisano to Washington St., turn right on Washington St., and finish at Washington Park (200 Washington St.). Festival: Washington Park (200 Washington St.). Approximately 200 persons, 4 vehicles, and bikes will take part and 250 spectators are anticipated. This request includes permission to use amplification (8 large speakers, 1 P.A. system and 12 microphones). PERMIT # 06-026 [Joe Rodriguez]

Representative Lilly was not present for the vote.

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 *Motion made, seconded, and unanimously carried to **APPROVE** the request of Parks & Recreation to hold an Easter egg hunt/festival on April 8, 2006, from 11:00 a.m. to 4:00 p.m. at Thorn Park, 5260 Mace St. Approximately 600 persons will take part and 600 spectators are anticipated. This request includes permission to use amplification (2 microphones and 4 speakers). PERMIT # 06-027 [Joe Rodriguez]

Representative Lilly was not present for the vote.

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 *Motion made, seconded, and unanimously carried to **APPROVE** the request of St. Patrick Cathedral Parish to hold a Good Friday Procession on April 14, 2006, from 9:00 a.m. to 12:00 p.m. Route: Start at the intersection of Arizona and N. Stanton, proceed on N. Stanton to E. California, turn right on E. California to N. Campbell, turn left on N. Campbell to E. Crosby, turn right on E. Crosby to N. Virginia, turn right on N. Virginia to Arizona, turn right on Arizona to N. Ochoa, turn left on N. Ochoa to Wyoming, turn left on Wyoming to Ange, turn left on Ange to E. Rio Grande, turn left on E. Rio Grande to N. Campbell, turn right on N. Campbell to Arizona, turn left on Arizona, and finish at N. Stanton. Approximately 250 persons and 2

vehicles will take part. This request includes permission to use amplification (1 bullhorn and 1 speaker).
PERMIT # 06-025
[Millie Arroyo]

Representative Lilly was not present for the vote.

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*Motion made, seconded, and unanimously carried to **APPROVE** the request of The American Lung Association of Texas to hold a 5K walkathon on May 6, 2006, from 6:30 a.m. to 12:00 p.m. Route: Jogging path around Eastwood Park, 3001 Parkwood. Approximately 300 persons will take part and 500 spectators are anticipated. This request includes permission to use amplification (1 microphone, 2 speakers and 2 amplifiers). PERMIT # 06-028 [Elizabeth Terrazas]

Representative Lilly was not present for the vote.

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Motion made by Representative Byrd, seconded by Mayor Pro Tempore O'Rourke, and unanimously carried that the following Ordinances, having been **INTRODUCED** pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance changing the zoning of the South 78 feet of Tract 10, Coronado Place, El Paso, El Paso County, Texas from R-4 (Residential) to A-2 (Apartment). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 180 Coronado Road. Applicant: Antonio and Laura Mendoza. ZON06-00020 (**District 3**)
[Development Services/Planning, Esther Guerrero, (915) 541-4720]
- B. An Ordinance granting Special Permit No ZON06-00023, to allow reduced setbacks on a portion of Lot 31 and 32, Block 7, East El Paso Addition, El Paso, El Paso County, Texas for infill development. The penalty being as provided in Chapter 20.68 of the El Paso City Code. Subject Property: 200 South Grama Street. Applicant: Bingham Investments. ZON06-00023 (**District 8**)
[Development Services/Planning, Mirian Spencer, (915) 541-4723]

PUBLIC HEARING WILL BE HELD ON APRIL 25, 2006, FOR ITEMS A - B

Public Hearings will be held as part of the regular City Council meeting, which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

Representative Lilly was not present for the vote.

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NO ACTION WAS TAKEN on the following item:

Discussion and action to support continued federal funding for Sahara Factory NCED.

Mayor Cook read into record a letter prepared for the representatives in Washington, D.C. (on file in the City Clerk's office).

Representative Lozano commented.

Mr. Guillermo Glenn, citizen, commented.

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*Motion made, seconded, and unanimously carried to **DELETE** discussion on the need for rendering/grease plant for El Paso.

Representative Lilly was not present for the vote.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, a serious problem with drinking and driving exists in the City of El Paso;

WHEREAS, the City of El Paso is concerned about the safety and welfare of its citizens;

WHEREAS, according to the National Highway Traffic Safety Administration, the United States suffered an average of one fatal, alcohol-related car accident every thirty minutes in 2002;

WHEREAS, according to the National Highway Traffic Safety Administration, 76% of all fatal crashes between 12:00 a.m. and 3:00 a.m. involved alcohol;

WHEREAS, according to the National Highway Traffic Safety Administration, drivers aged twenty-one to twenty-four had the highest percentage of intoxication rates in fatal accidents in 2002 – 33% of those involved in fatal crashes were intoxicated;

WHEREAS, according to the 2001 Texas Department of Public Safety Motor Vehicle Traffic Accident Report, fatalities from alcohol-related accidents accounted for 26.9% of Texas traffic fatalities in 2001;

WHEREAS, "Miner Convenience" is intended to provide reliable, safe transportation services in the community in and around the University of Texas at El Paso by offering free, unbiased rides home to individuals rendered incapable of transportation due to intoxication or other circumstances;

WHEREAS, "Miner Convenience" is modeled after the **CARPOOL** organization of Texas A&M University;

WHEREAS, **CARPOOL** has given over 80,000 rides to students of Texas A&M University since its inception in 1999; and

WHEREAS, there are at least six cities in the country that support an organization like **CARPOOL**.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor and Council of the City of El Paso support "Miner Convenience" for the University of Texas at El Paso and the City of El Paso.

1ST MOTION

Motion made by Representative Byrd, seconded by Representative Steve Ortega, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Benjamin Walker and Ms. Analisa Cordova to speak.

Representative Lilly was not present for the vote.

Mayor Cook and Representatives Byrd and Presi Ortega, Jr. commented.

Mr. Charlie McNabb, City Attorney, commented.

Mr. Benjamin Walker and Ms. Analisa Cordova, UTEP students, commented.

2ND MOTION

Motion made by Representative Byrd, seconded by Representative Holguin, and unanimously carried to **APPROVE** the above resolution.

Representative Lilly was not present for the vote.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, the El Paso/Juarez Community embraces the international nature of our community and believes that our border joins us and does not divide us.

WHEREAS, in 2003, trade through the land ports along the U.S.-Mexico Border represented about 83 percent of the trade between the countries. Together, the top 10 ports of entry account for 98 percent of trade passing through the border. El Paso had approximately 20.2 percent of the exports, which put the city only behind Laredo in volume. As to numbers of overall inspections of people, El Paso surpasses all ports of entry in Texas. With \$152 billion in land trade with Mexico, Texas surpassed other states by far: California (\$30 billion), Arizona (\$12 billion), and New Mexico (\$1.1 billion);

WHEREAS, the balance of the facilitation of trade with the need to make our community secure has long been of principle importance;

WHEREAS, the El Paso community has worked with representatives and agencies in Mexico and the United States for many years to create secure trade and traffic programs, including the first Dedicated Commuter Lane ("DCL") and Fast and Secure Trade ("FAST") in Texas;

WHEREAS, current immigration law does not have timely legal alternatives to allow companies or individuals to employ such essential workers as those needed in the construction, healthcare, restaurant, transportation, hotel, elder care, and child care job sectors, among others; and

WHEREAS, on December 16, 2005, the U.S. House of Representatives passed H.R. 4437, which fundamentally proposes an enforcement only approach to the complex issue of the control of illegal immigration and the improvement of border security.

THEREFORE, BE IT HEREBY:

RESOLVED, that the complex issues of illegal immigration and a porous border cannot be fixed by an enforcement only approach. Any solutions must take a multi-layered approach to multi-layered issues created over decades of neglect.

RESOLVED, that when addressing issues of border security, the emphasis should be on the use of new and emerging technologies that will facilitate legitimate trade and border crossings.

RESOLVED, that the construction of a fence along the entire southern border or the militarization of the border are not reasonable solutions.

RESOLVED, that a solution must address allowing the undocumented in the United States who are filling legitimate employment needs a means to obtain legal status without placing them ahead of those who applied to enter the U.S. legally.

RESOLVED, that immigration processing backlogs must be reduced for those with valid pending applications.

RESOLVED, that new legislation must address document fraud and include severe penalties for those who prey upon undocumented aliens.

RESOLVED, that people offering to "assist" an undocumented person in the U.S. by providing food, shelter, counseling, or transportation must not be exposed to criminal penalties, if they are not engaged knowingly in smuggling or aiding said individuals to enter into the United States.

RESOLVED, that the City of El Paso will continue to work in a collaborative manner with our Sister City, Ciudad Juarez, Chihuahua, and other governmental entities in the El Paso/ Juarez Borderplex to address issues that are unique to the bi-national, multi-cultural community in which we live.

RESOLVED, that the City of El Paso will provide input and seek legislation regarding border security and immigration reform that is effective, responsible, humanitarian and not an encumbrance to international commerce.

Mayor Cook and Representatives Steve Ortega, Lozano, and Byrd commented.

The following members of the public commented:

1. Ms. Lisa Turner
2. Ms. Carmen Zamora
3. Mr. Ray Gilbert

Motion made by Representative Lozano, seconded by Mayor Pro Tempore O'Rourke, and unanimously carried to **APPROVE** the above resolution.

Representative Lilly was not present for the vote.

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NO ACTION WAS TAKEN on the following item:

Discussion and action on proposed text revisions to Title 20 (Zoning) as recommended by the Building & Zoning Advisory Committee: Chapter 20.12 (Density and Dimensional Standards).

Representative Byrd commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Kimberly Forsyth, Development Services, presented a PowerPoint presentation (on file in the City Clerk's office).

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Motion made by Representative Presi Ortega, Jr., seconded by Representative Byrd, and unanimously carried to **AWARD** Best Value Procurement Solicitation No. 2006-061 Police Vehicles

Award to:	Vendor 1:	Casa Ford Inc. El Paso, Texas
Item(s):		1, 3, 4, 5, 5A and Options O-2 and O-3
Amount:		\$1,400,000.00 Estimated Annual Expenditure
Award to:	Vendor 2:	Rudolph Chevrolet LP El Paso, Texas
Item(s):		2 and Options O-2 and O-3
Amount:		\$300,000.00 Estimated Annual Expenditure

Award to: Vendor 3: Dick Poe Family of Dealerships
El Paso, Texas
Item(s): 7 and Options O-2 and O-3
Amount: \$300,000.00 Estimated Annual Expenditure
Department: Police
Funds available: 27507-407029-37150068-PFLESVC01
Funding source: Fleet Replacement Fund
Total award: \$4,800,000.00 (Estimated)
Districts: All

The Fleet Services, Police, and Financial Services Departments recommend award as indicated to the Best Value Offerors.

These are Requirements Type contracts. The term of these agreements shall be through the manufacturer's build-out date for model year 2006 vehicles. Casa Ford Inc. has offered the City the option of extending the term of their contract through the manufacturer's build-out date for model year 2007 and 2008 vehicles at the same unit prices. Rudolph Chevrolet and Dick Poe Family of Dealerships offer no options to extend the term of their contracts. Staff is recommending that the award be for the requirements contracts, as indicated above, and for the two (2) options to extend for Casa Ford Inc. None of the vendors offers a prompt payment discount.

Mayor Cook and Representative Presi Ortega, Jr. commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Carmen Arrieta-Candelaria, Comptroller
3. Mr. Jeff Belles, General Services

Mr. Ray Gilbert, citizen, commented.

Representatives Lilly and Lozano were not present for the vote.

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The following items were taken together:

ORDINANCE 16315

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS AND PUBLIC PLACES), TO RENAME AND AMEND CHAPTER 13.32 (TEMPORARY EVENTS), OF THE EL PASO CITY CODE, TO CREATE SEPARATE PROVISIONS FOR THE ISSUANCE OF PERMITS FOR TEMPORARY EVENTS UTILIZING CERTAIN TYPES OF STREETS AND ALLEYS; TO ESTABLISH CRITERIA FOR THE ADMINISTRATIVE ISSUANCE OF THE PERMITS; AND TO CREATE DUTIES FOR PERMITTEES AND PARTICIPANTS; THE PENALTY BEING AS PROVIDED IN SECTIONS 1.08.010-1.08.030.**

ORDINANCE 16316

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS AND PUBLIC PLACES), CHAPTER 13.34 (PICKETING), OF THE EL PASO CITY CODE, TO CREATE THE CHAPTER AND A PROCESS AND PROCEDURES FOR PICKETING ON THE CITY'S RIGHTS-OF-WAY; THE PENALTY BEING AS PROVIDED IN SECTIONS 1.08.010-1.08.030 OF THE CITY CODE.**

ORDINANCE 16317

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS AND PUBLIC PLACES), TO CREATE CHAPTER 13.36 (PARADES AND PUBLIC ASSEMBLIES), OF THE EL PASO CITY CODE, TO ESTABLISH NEW PROCEDURES FOR THE APPLICATION AND PERMITTING OF PARADES AND PUBLIC ASSEMBLIES HELD ON THE CITY STREETS AND RIGHTS-OF-WAY AND IN CITY PARKS; THE PENALTY BEING AS PROVIDED IN SECTIONS 1.08.010-1.08.030 OF THE CITY CODE.**

ORDINANCE 16318

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS AND PUBLIC PLACES), CHAPTER 13.28 (SOUND AMPLIFYING DEVICES), OF THE EL PASO CITY CODE, TO AMEND ALL SECTIONS; TO PROVIDE FOR THE ADMINISTRATIVE ISSUANCE OF PERMITS; TO RESTRICT SOME USES OF AMPLIFICATION IN THE DOWNTOWN AREAS; AND TO CLARIFY THE PROCEDURES FOR THE WAIVER OF FEES FOR INDIGENTS; THE PENALTY BEING AS PROVIDED IN SECTIONS 1.08.010-1.08.030.**

ORDINANCE 16319

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 15 (PUBLIC SERVICES), TO AMEND CHAPTER 15.08 (STREET RENTALS), SECTION 15.08.120 (SPECIAL PRIVILEGE LICENSES) OF THE EL PASO MUNICIPAL CODE, TO REVISE SUBSECTION 15.08.120 C 3 TO ADD ADDITIONAL EXCEPTIONS RELATING TO NEW CODE PROVISIONS ALLOWING FOR USES OF CITY STREETS; THE PENALTY BEING AS PROVIDED IN SECTIONS 13.30.120 OF THE CITY CODE.**

Mayor Cook and Representatives Holguin, O'Rourke, Steve Ortega, Lozano, and Byrd commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Elaine Hengen, Assistant City Attorney
3. Chief Paul Cross, Assistant Chief of Police
4. Mr. Charlie McNabb, City Attorney
5. Ms. Pat Adauto, Deputy City Manager for Infrastructure and Development Services
6. Ms. Richarda Momsen, Municipal Clerk

The following members of the public commented:

1. Mr. Richard Schecter
2. Ms. Heather McMurray

1st MOTION

Motion made by Representative Holguin, seconded by Representative Lozano, and carried to **POSTPONE** the items for eight (8) weeks.

AYES: Representatives Lozano, Castro, Holguin, and Steve Ortega

NAYS: Representatives Byrd, Presi Ortega, Jr., and O'Rourke

NOT PRESENT FOR THE VOTE: Representative Lilly

2ND MOTION

Motion made by Representative Byrd, seconded by Mayor Pro Tempore O'Rourke, and carried to reconsider the items.

AYES: Representatives Byrd, Presi Ortega, Jr., Steve Ortega, and O'Rourke
NAYS: Representatives Lozano, Castro, and Holguin
NOT PRESENT FOR THE VOTE: Representative Lilly

3RD MOTION

Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Castro, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Ms. Heather McMurray to speak.

4TH AND FINAL MOTION

Motion duly made by Representative Byrd, seconded by Representative Steve Ortega that the Ordinances be **ADOPTED AS AMENDED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinances which when so done resulted as follows:

AYES: Representatives Byrd, Presi Ortega, Jr., Steve Ortega, and O'Rourke
NAYS: Representatives Lozano, Castro, and Holguin
NOT PRESENT FOR THE VOTE: Representative Lilly

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinances, the same be and the same is hereby **ADOPTED**.

ORDINANCE 16320

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOT 7, EXCEPT THE SOUTH EIGHTY FEET, BLOCK 1, STILES GARDENS, EL PASO, EL PASO COUNTY, TEXAS FROM A-2 (APARTMENT) TO C-3 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Mr. Rudy Valdez, Development Services, presented a PowerPoint presentation (on file in the City Clerk's office).

Motion duly made by Representative Lozano, seconded by Mayor Pro Tempore O'Rourke, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Byrd, Lozano, Castro, Holguin, Steve Ortega, and O'Rourke
NAYS: None
NOT PRESENT FOR THE VOTE: Representatives Lilly and Presi Ortega, Jr.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

ORDINANCE 16321

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF ALL OF LOTS 1-11, BLOCK 1, AMADO URBINA SUBDIVISION, EL PASO, EL PASO COUNTY, TEXAS FROM R-4 (RESIDENTIAL) TO R-3A (RESIDENTIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Motion duly made by Representative Lozano, seconded by Mayor Pro Tempore O'Rourke, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Byrd, Lozano, Castro, Holguin, Steve Ortega, and O'Rourke
NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Lilly and Presi Ortega, Jr.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....

The following items were taken together:

ORDINANCE 16322

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING THE UTILITY EASEMENT LOCATED WITHIN A VACATED PORTION OF EL PASO STREET BETWEEN BLOCKS 161 AND 162, ALEXANDER ADDITION, EL PASO, EL PASO COUNTY, TEXAS.**

ORDINANCE 16323

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING THE UTILITY EASEMENT LOCATED WITHIN A PORTION OF THE VACATED ALLEY IN BLOCK 162, ALEXANDER ADDITION, EL PASO, EL PASO COUNTY, TEXAS.**

Mayor Cook commented.

Mr. Rudy Valdez, Development Services, presented a PowerPoint presentation (on file in the City Clerk's office).

Motion duly made by Mayor Pro Tempore O'Rourke, seconded by Representative Lozano, that the Ordinances be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Lilly

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....

ORDINANCE 16324

The City Clerk read an Ordinance entitled: **AN ORDINANCE PROVIDING FOR ART IN MUNICIPAL PLACES, ESTABLISHING THE EL PASO PUBLIC ARTS COMMITTEE AND DESCRIBING ITS POWERS AND DUTIES, AND ESTABLISHING A MEANS OF FUNDING ACQUISITION OR COMMISSIONING OF ART FOR MUNICIPAL PLACES AND REPEALING ORDINANCES 15245 AND 15073.**

Mayor Cook and Representatives O'Rourke, Presi Ortega, Jr., and Castro commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Yolanda Alameda, Department of Museums and Cultural Affairs
3. Mr. Charlie McNabb, City Attorney
4. Ms. Lupe Cuellar, Assistant City Attorney

The following members of the public commented:

1. Mr. Richard Schecter
2. Ms. Lisa Turner
3. Ms. Heather McMurray

1ST MOTION

Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd, and carried to **DELETE** Section 3, Paragraph D, on page 3 of the Ordinance.

AYES: Representatives Byrd, Lozano, Castro, Presi Ortega, Jr., Steve Ortega, and O'Rourke

NAYS: Representative Holguin

NOT PRESENT FOR THE VOTE: Representative Lilly

2ND MOTION

Motion duly made by Representative Presi Ortega, Jr., seconded by Representative Byrd, that the Ordinance be **ADOPTED AS AMENDED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Byrd, Lozano, Presi Ortega, Jr., Steve Ortega, and O'Rourke

NAYS: Representatives Castro and Holguin

NOT PRESENT FOR THE VOTE: Representative Lilly

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....
Motion made by Representative Steve Ortega, seconded by Representative Presi Ortega, Jr., and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:32 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071 CONSULTATION WITH ATTORNEY

Section 551.072 DELIBERATION REGARDING REAL PROPERTY

Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS

Section 551.074 PERSONNEL MATTERS

Section 551.076 DELIBERATION REGARDING SECURITY DEVICES

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- EX1.** Discussion and action on the claim of *Guadalupe Torres and Mayra Cardona*, Our File No. 06-C-018/Police (551.071). [City Attorney's Office, Jennifer F. Callan, (915) 541-4550]
- EX2.** Discussion and action on the claim of *Javier Gonzalez/Parks/L0023* (551.071). [City Attorney's Office, Jennifer F. Callan, (915) 541-4550]
- EX3.** Discussion and action on the claim of *Robert A. Crank/Street/L0019* (551.071). [City Attorney's Office, John L. Anderson, (915) 541-4550]
- EX4.** General matters related to ASARCO, including but not limited to the bankruptcy case, the ASARCO permit application process, and the representation of the City of El Paso by Erich Birch of Birch & Becker (551.071) [City Attorney's Office, Laura Prendergast Gordon, (915) 541-4550]

ADDITION TO THE AGENDA

- EX1.** Discussion and action regarding possible actions to be taken by the City concerning AB Fall Home, 1725 Arizona. (551.071, 551.072) [Laura Gordon, Deputy City Attorney (915) 541-4550]

Motion made by Representative Presi Ortega, Jr., seconded by Representative Byrd, and unanimously carried to **ADJOURN** the Executive Session at 9:02 a.m. and reconvene the meeting of the City Council, during which time motions were made.

.....
Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd, and unanimously carried to **DELETE** discussion and action on the claim of *Guadalupe Torres and Mayra Cardona*, Our File No. 06-C-018/Police (551.071). [City Attorney's Office, Jennifer F. Callan, (915) 541-4550]

Representatives Lilly and Lozano were not present for the vote.

.....
Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd, and unanimously carried that the City Attorney's Office be authorized to **REJECT** Claimant's settlement demand of Javier Gonzalez/Parks/L0023.

Representative Lilly was not present for the vote.

.....
Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd, and unanimously carried that the City Attorney's Office be authorized to **REJECT** Claimant's settlement demand and be authorized settlement authority, to negotiate settlement agreement and sign all documents to resolve the claim of Robert A. Crank/Street/L0019.

Representative Lilly was not present for the vote.

.....
Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd, and unanimously carried that the City **WAIVE** any conflict of interest on behalf of the City of El Paso in relation to the representation of the City with regard to matters related to the ASARCO permit application involving Erich Birch of the law firm of Birch & Becker and his representation of other industrial clients within the geographical region of El Paso.

Representative Lilly was not present for the vote.

.....
Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd, and carried that the CITY OF EL PASO authorizes the City Attorney to take any and all **ACTION** necessary, both affirmative and defensive, as necessary, regarding the property commonly known as the AB Fall Mansion. This Motion is intended to grant broad authority to the City Attorney to take any action necessary to address these matters, including but not limited to, the initiation of and response to, litigation, complaints and any other administrative or judicial proceeding or process including eminent domain. This authorization also authorizes the City Attorney to retain outside Counsel in connection with this matter.

AYES: Representatives Byrd, Presi Ortega, Jr., Steve Ortega, and O'Rourke
NAYES: Representatives Lozano, Castro, and Holguin
NOT PRESENT FOR THE VOTE: Representative Lilly

.....
Motion made by Representative Presi Ortega, Jr., seconded by Representative Byrd, and unanimously carried to **ADJOURN** this meeting at 12:07 p.m.

Representative Lilly was not present for the vote.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk